

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

SELECT COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN MONICA LINDEEN**, on March 22, 2005 at 3:28 P.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Monica Lindeen, Chairman (D)
Rep. Norma Bixby (D)
Rep. Tim Dowell (D)
Rep. Dave Gallik (D)
Rep. Bob Lake (R)
Rep. Holly Raser (D)
Rep. Pat Wagman (R)

Members Excused: Rep. Bill E. Glaser, Vice Chairman (R)
Rep. Verdell Jackson (R)
Rep. Jon Sonju (R)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Kim Leighton, Committee Secretary
Jim Standaert, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HR 3, 3/21/2005
Executive Action: HB 125

CHAIR LINDEEN opened the hearing with general housekeeping issues.

HEARING ON HR 3

Sponsor: REP. DAVE GALLIK, HD 79, HELENA

Opening Statement By Sponsor:

REP. DAVE GALLIK stated that this is a clone to another bill that he had brought forward for a House/Senate Joint Resolution. This was brought forward to urge U.S. SENATOR CONRAD BURNS to allocate \$3 million to help push the Indian Education For All Act (IEFAA).

{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.9}
(CHAIR LINDEEN left. REP. WAGMAN chaired the committee.)

REP. GALLIK added that he is not bringing HR 3 forward to further his political career or to use tribes as a pawn. Simply put, the State needs more money for IEFAA.

{Tape: 1; Side: A; Approx. Time Counter: 2.9 - 4.7}

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From The Committee: None.

Closing Statement By Sponsor:

REP. GALLIK closed the hearing on HR 3 by imploring U.S. SENATOR BURNS to help where help is needed.

{Tape: 1; Side: A; Approx. Time Counter: 4.7 - 7}

REP. PAT WAGMAN called for a 10-minute recess to collect proxy forms for executive action.

(CHAIR LINDEEN returned and assumed the chair.)

EXECUTIVE ACTION HR 3

Motion: REP. GALLIK moved that HR 3 DO PASS.

Discussion:

REP. TIM DOWELL stated that this is a possibility of having \$3 million at their disposal for IEFAA. It is a great idea and they should take advantage of a valuable asset.

REP. WAGMAN expressed that he would like to have a little more time for amendments on this resolution.

REP. GALLIK withdrew his motion, without objection.

EXECUTIVE ACTION HB 125

Motion: **REP. RASER** moved that HB 125 DO PASS.

Discussion:

REP. HOLLY RASER refreshed the Committee on the specifics of HB 125. She explained what it would do and how much money is involved. She stated that there would be approximately \$49 million going into the education system over the period of the biennium. She added that it is highly unlikely that there will be a new funding formula this biennium. She compared HB 125 to SB 177. In conclusion, she implored the Committee to reconsider HB 125.

MOTION: **REP. RASER MOVED TO AMEND HB 125.**

EXHIBIT(esh63a01)

Vote: Motion carried 9-1 by voice vote with **REP. WAGMAN** voting no. **REP. GLASER**, **REP. JACKSON** and **REP. SONJU** voted by proxy.

MOTION: **REP. RASER MOVED TO AMEND HB 125.**

EXHIBIT(esh63a02)

Discussion:

REP. WAGMAN asked if this would use all the available money in HB 2 for education.

REP. RASER stated that it would not use the money allocated for IEFAA. It would utilize the entitlements in HB 2.

REP. WAGMAN asked what that would do to the fiscal note.

REP. RASER attested that the fiscal note would change. She explained the effects to the Committee.

REP. LAKE stated that he did not have the original fiscal note with him.

CHAIR LINDEEN explained what will happen if this is voted out of the Committee.

REP. RASER explained the purpose and importance of this amendment.

Vote: Motion carried unanimously by voice vote. **REP. GLASER, REP. JACKSON** and **REP. SONJU** voted by proxy.

Motion: **REP. RASER** moved that HB 125 DO PASS AS AMENDED.

Discussion:

REP. GALLIK stated that he likes the bill. He wanted to make sure they would be meeting the Supreme Court's ruling of what the legislature is supposed to be doing. He added that it seems like this is more of the funding formula that currently is not working.

REP. RASER claimed that it is not the funding formula that doesn't work, it is the amount of money that went into the funding formula that was inadequate. This is where educationally relevant factors plays in. She added that the Select Education Committee has defined a quality education. Now they can focus on the funding problem. She discussed what the Joint Subcommittee on Education Funding has been doing to address the Court's concerns.

REP. BOB LAKE expressed his recurring concern that they are putting money into a funding system that they have determined does not work.

CHAIR LINDEEN stated that they need to use the funding formula that is in place right now. She spoke about the flex fund and it's affect. She added that they need to think about the possible property tax increase.

{Tape: 1; Side: B}

REP. GALLIK stated that it might make some sense to amend Section 4. **CHAIR LINDEEN** asked Connie Erickson, Legislative Services Division, to clarify this for **REP. GALLIK**.

Ms. Erickson offered an explanation of this language for **REP. GALLIK**. **REP. GALLIK** confirmed that this funding is intended for

the next biennium. **REP. RASER** claimed that what is in place now stays in effect.

REP. GALLIK explained that he is not sure he's comfortable with the current funding formula staying in effect. He touched on the Court's mandate that they adequately fund a quality education system. He asked if they could have a termination date.

CHAIR LINDEEN disagreed with **REP. GALLIK**'s statement. She stated that the courts make it clear that the first thing they needed to do was put together a definition for quality education. They did that. From there, they need to build a funding formula based on educationally relevant factors. **CHAIR LINDEEN** attested that they have made good progress and will continue to do so. She added that right now they need to put some money into the schools and the current funding formula is that vehicle.

REP. GALLIK responded by stating that they need to do something. He discussed parts of the Court's ruling and expressed some concerns he has.

REP. RASER wished to remind the Committee that they worked very hard on SB 152 and passed it. She reiterated that they have legislation that addresses his exact need.

REP. LAKE added that he agrees with **REP. GALLIK**. He claimed that they are putting money into a program that the Court has determined is unconstitutional.

REP. RASER wished to address the concerns of **REP. LAKE**. She stated that they do have a basic structure which looks at fixed cost versus variable cost. She expanded on this idea. She expressed the difficulties allocating funds based on educationally relevant factors. Any formula they use is broken. She attested that whichever bill they use, there will be a different set of winners and losers. She posed the question, "Which vehicle will take us where we want to go?"

REP. GALLIK stated that HB 125 makes more sense than SB 177. He asked **REP. RASER** if she would consider a friendly amendment in which they would force the next legislature to address this. He explained how they could change the language to adhere to this.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 14.2}

REP. RASER stated that it would be fine. She didn't see any problems with that. She added that it is similar to SB 177. She expressed a little bit of a concern with this similarity in SB 177.

REP. WAGMAN stated that he knows school boards are looking for some direction. However, he is not ready to move this bill forward.

REP. BIXBY attested that schools are coming up against a timeline; the legislature needs to give them some answers. Thus, she will support this bill.

REP. DOWELL said he understands what **REP. GALLIK** is trying to do. He added that HB 125 seems to be the bill that is standing right now. He supports this bill at this time.

CHAIR LINDEEN reminded the Committee that they were able to keep this bill alive because of the appropriation. However, they are coming up on a deadline for the appropriation; they need to get this bill out of the Committee.

REP. RASER agreed with **CHAIR LINDEEN**. She stated that this is the last time they can act on this. She expressed her hope that the Committee will consider this motion.

Vote: Motion failed 5-5 by roll call vote with **REP. BIXBY**, **REP. DOWELL**, **REP. GALLIK**, **REP. LINDEEN**, and **REP. RASER** voting aye. **REP. GLASER**, **REP. JACKSON** and **REP. SONJU** voted by proxy.

ADJOURNMENT

Adjournment: 4:35 P.M.

REP. MONICA LINDEEN, Chairman

KIM LEIGHTON, Secretary

ML/kl

Additional Exhibits:

EXHIBIT ([esh63aad0.TIF](#))